

THIRTEENTH DAY

(Thursday, February 2, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Dies	Ratliff
Owen	Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Heavenly Father, we are compassed about with a cloud of witnesses. From the balconies of this chamber to the borders of Texas, people watch and wait to see what is done here. Grant, we pray, that all these Senators say and the way they vote today may be well pleasing in Thy sight. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Aikin.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Dies was granted leave of absence for today on account of im-

portant business on motion of Senator Hudson.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 101, To amend Subdivision (c) of Section 1 of House Bill No. 666, Chapter 467, Acts of the 54th Legislature, Regular Session, 1955, as amended by Senate Bill No. 138, Chapter 2, Acts of the 55th Legislature, Regular Session, 1957 (codified as Article 695h, V.A.C.S.), so as to provide that the term "State Employee" shall be re-defined to include members of the Legislature as to Social Security coverage under said Act; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 36 have had same under consideration, and we are instructed to report it back to the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 39, have had the same under consideration, and we are instructed to report it back to the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 61, have had the same under consideration, and we are instructed to report it back to the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 68, have had the same under consideration, and we are instructed to report it back to the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 103, have had the same under consideration, and we are instructed to report it back to the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 104, have had the same under consideration, and we are instructed to report it back to the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 120, have had the same under consideration, and we are instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 17, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 89, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 3, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senate Resolution 52

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. H. T. Melton, Sheriff of Knox County, Benjamin, Texas; Mr. T. W. Bullington, County Attorney of Knox County, Munday, Texas; and Mr. John A. Smith, Tax Assessor-Collector of Knox City, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be

recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and the privileges of the floor for the day.

The resolution was read and was adopted.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the committee indicated:

By Senators Baker and Parkhouse:

S. B. No. 152, A bill to be entitled "An Act relating to petit juries in counties using the jury wheel; amending Article 2101 of the Revised Civil Statutes of Texas, 1925; providing that in counties having two or more criminal district courts and two or more district courts, two separate jury panels for the week may be drawn, one of which shall be drawn by and be in attendance upon those courts which have a criminal docket and the other to be drawn by and be in attendance upon those courts which have a civil docket; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Baker and Parkhouse:

S. B. No. 153, A bill to be entitled "An Act relating to petit juries in counties using the jury wheel; amending Article 2102 of the Revised Civil Statutes of Texas, 1925; providing that in those counties which draw two separate jury panels for the week, the commissioners court shall provide a room or place for each panel and the sheriff shall assign a deputy to look after each panel; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hardeman:

S. B. No. 154, A bill to be entitled "An Act amending Art. 21.47 of the Insurance Code; providing for venue for prosecutions; repealing Art. 21.48 of the Insurance Code with savings clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Rogers:

S. B. No. 155, A bill to be entitled "An Act validating, ratifying, confirming and approving contracts, scrip warrants and time warrants

and refunding bonds authorized by counties or cities (including home-rule cities) or towns since the approval by the Governor of Texas of Chapter 321, Acts of the 56th Legislature, Regular Session, 1959; validating, ratifying, confirming and approving time warrants and refunding bonds issued for the purpose of refunding time warrants and all proceedings, governmental Acts, orders, ordinances, resolutions and other instruments relating to the issuance of time warrants and refunding bonds for such purposes, of counties, cities, (including home-rule cities) and towns; providing that this Act shall not apply to any contract; scrip warrant or time warrant or to any refunding bond proceedings, governmental Acts, orders, resolutions or other instruments, or bonds executed or issued by any county with a population in excess of three hundred and fifty thousand (350,000) according to the last preceding Federal Census or any contract, scrip warrant or time warrant or any refunding bond proceedings, governmental Acts, orders, ordinances, resolutions or other instruments, or bonds the validity of which is now involved in litigation; providing a savings clause; and declaring an emergency."

To the Committee on State Affairs.

By Senators Schwartz, Baker, Reagan and Patman:

S. B. No. 156, A bill to be entitled "An Act amending Section 1 of Chapter 239, Acts of the 55th Legislature, Regular Session, 1957, by providing that any person may acquire a fishing license to fish in any of the waters of this State for a period not to exceed seven (7) continuous days, the fee for such temporary license shall be One Dollar (\$1); and declaring an emergency."

To the Committee on Game and Fish.

By Senator Reagan:

S. B. No. 157, A bill to be entitled "An Act relating to false advertising of insurers not authorized to transact business in this state; subjecting such insurers to the jurisdiction of the State Board of Insurance and the Courts of this State; providing for actions by this state with respect to such insurers; providing for service of process upon such insurers; pro-

viding separability; and declaring an emergency."

To the Committee on Insurance.

By Senator Smith:

S. B. No. 158, A bill to be entitled "An Act amending Article 1645 of the Revised Civil Statutes of Texas, 1925 as amended, relating to counties with population above thirty-five thousand (35,000) or with tax evaluation above Fifteen Million Dollars (\$15,000,000); providing that it shall not be compulsory for such counties to have a county auditor; and declaring an emergency."

(Held for Referral.)

By Senators Secrest, Patman, Colson, Kazen, Rogers, Moore, Willis, Reagan, Smith, Moffett, Dies, Crump, Herring, Schwartz and Gonzalez:

S. B. No. 159, A bill to be entitled "An Act providing for the appropriation of funds for soil conservation districts, regulating management and the expenditure thereof; and declaring an emergency."

To the Committee on Finance.

By Senator Moore:

S. B. No. 160, A bill to be entitled "An Act authorizing the Texas Youth Council to convey a certain tract of land, now a part of a tract of pasture land owned by the State of Texas and used by the Corsicana State Home, to the Corsicana Independent School District in exchange for another certain tract of land adjoining the Corsicana State Home property; prescribing conditions and requirements for the exchange of these properties; and declaring an emergency."

To the Committee on State Affairs.

By Senator Smith:

S. B. No. 161, A bill to be entitled "An Act establishing a juvenile board in Dawson County; prescribing the membership and powers of the board and providing for the compensation of its members; authorizing the board to appoint a juvenile officer; prescribing the power and duties of the juvenile officer and providing for his compensation and expenses; repealing conflicting laws; providing for severability; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Schwartz:

S. B. No. 162, A bill to be entitled

"An Act amending Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, codified as Article 1970-342, Vernon's Texas Civil Statutes, by changing the name of the Probate Court of Galveston County; conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; providing the organization and procedure of said court; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Willis:

S. B. No. 163, A bill to be entitled "An Act to amend Section 11, Chapter 88, Acts of the 41st Legislature, Second Called Session, 1929, as amended by Chapter 161, Acts of the 52nd Legislature, Regular Session, 1951, (codified as Article 6675-a-11 in Vernon's Texas Civil Statutes) providing for fees of Tax Assessors-Collectors for issuing license receipts and license plates; providing that the Tax Assessor-Collector shall pay the entire expense of issuance of such license receipts and license plates and the cost of postage used in mailing same to applicants; providing a severability clause; repealing all laws in conflict herewith; providing an effective date; and declaring an emergency."

To the Committee on State Affairs.

By Senator Rogers:

S. B. No. 164, A bill to be entitled "An Act amending Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957; providing for standards in the quality of eggs; providing for the licensing of egg retailers, dealer-wholesalers, processors and brokers; providing for the deposit and appropriation of fees collected; making provisions relating to the administration of the Act; providing for severability; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Hudson:

S. B. No. 165, A bill to be entitled "An Act to amend Article 2669 and Article 2673 of the Revised Civil Statutes of Texas, 1925, as amended, relating to the investment of the State Permanent School Fund by the State Board of Education; repealing all laws in conflict; providing for

severability and declaring an emergency."

To the Committee on State Affairs.

By Senators Hudson and Herring:

S. B. No. 166, A bill to be entitled "An Act providing for regulation, licensing and registration of professional nurses; creating the Texas Board of Professional Nursing to administer such Act; transferring the property, records and funds of the Board of Nurse Examiners to the Texas Board of Professional Nursing; defining professional nursing; providing for accreditation of programs for preparation of practitioners of professional nursing; repealing Articles 4513 through 4528 of the Revised Civil Statutes of Texas, 1925, as such articles were last amended and all laws in conflict; setting an effective date; providing for severability; and declaring an emergency."

To the Committee on Public Health.

By Senator Gonzalez:

S. B. No. 167, A bill to be entitled "An Act amending Section 13 of the Texas Motor Vehicle Safety-Responsibility Act; exempting certain persons from suspension of drivers' licenses, automobile registrations and non-residents' operating privileges due to non-payment of judgments; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hardeman:

S. J. R. No. 10 Proposing an amendment to Article V of the Constitution of the State of Texas by amending Sections 1, 2, 3, and 6 thereof and adding a new section to be known as Section 5 and amending Article IV, Section 11 of the Constitution of the State of Texas to provide for the vesting of the judicial power of this State, for the qualifications and election of members of the Supreme Court, for the jurisdiction and terms of court of the Supreme Court, for the creation of Supreme Judicial Districts and Courts of Civil Appeals and their jurisdiction; providing that the title "Court of Criminal Appeals" shall be construed "Supreme Court"; providing for the repeal of Sections 1-A, Section 3-A, Section 3-B, Section 4 and of the presently numbered Section 5 of Article V of the Constitution and for the amendment of Section 11 of Article IV relating to the appointment of members of the Board of Pardons and Paroles; providing

for an election; prescribing the form of ballot and providing for the necessary proclamation and publication.

To the Committee on Constitutional Amendments.

Report of Standing Committee

Senator Roberts submitted the following report:

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. C. R. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

ROBERTS, Chairman.

Resolutions Signed

The President Pro Tempore signed in the presence of the Senate after the captions had been read, the following enrolled resolutions:

H. C. R. No. 9, Providing for the placing of the Flag of Texas on the existing flagpole at the south main entrance to the Capitol Building during the Session of the Legislative Body, and directing the State Board of Control to raise and lower same.

H. C. R. No. 11, Designating the second week of October each year as Texas Literary Week.

H. C. R. No. 12, Providing for the appointment of a committee of five (5) members to appoint and designate some outstanding and recognized poet who is a citizen of Texas, who shall be Poet Laureate of the State of Texas for a period of two (2) years.

H. C. R. No. 13, Commending the Federal Power Commission for conducting a hearing in Texas and commending Public Officials of the State of Texas for their willingness to protect the interests of the State, its citizens, and the economy of Texas therein.

H. C. R. No. 14, Inviting the Honorable Sam Rayburn to address a Joint Session of the Legislature at his earliest convenience.

Message from the Governor

The following message received from the Governor was read and was

referred to the Committee on Nominations:

Austin, Texas,
February 2, 1961.

To the Senate of the Fifty-seventh Legislature:

I ask the advise, consent and confirmation of the Senate with respect to the following appointments:

To be Commissioner of Labor Statistics, for a two-year term to expire January 31, 1963: R. B. (Dick) Latting of Austin, Travis County.

To be a member of the Board of Directors of the Jackson County Flood Control District, to fill the unexpired term of Arvle Elliott, resigned, term to expire May 1, 1965: W. C. Hollingsworth of Edna, Jackson County.

To be Presiding Judge of the Fourth Administrative Judicial District: Howard P. Green of Cuero, DeWitt County.

To be Presiding Judge of the Sixth Administrative Judicial District: Roger Thurmond of Del Rio, Val Verde County.

To be Presiding Judge of the Eighth Administrative Judicial District: Jack M. Langdon of Fort Worth, Tarrant County.

Respectfully submitted,
PRICE DANIEL
Governor of Texas

Report of Standing Committee

Senator Aikin submitted the following report:

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties, Towns, to whom was referred S. B. No. 90, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Conference Committee Report on Senate Concurrent Resolution 7

Senator Martin submitted the following conference committee report on S. C. R. No. 7:

Austin, Texas,
February 1, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. C. R. No. 7, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

MARTIN
AIKIN
HARDEMAN
CREIGHTON
KAZEN

On the part of the Senate.

HUEBNER
PRESTON
PIERATT
COLLINS

SMITH of Jefferson
On the part of the House.

Whereas, It is provided by prior law that after the completion of the Supreme Court Building and the removal of the offices of the Supreme Court, the Court of Criminal Appeals and the Attorney General, the space vacated in the State Capitol should be allocated to the Legislature in accordance with its direction; now, therefore, be it

Resolved, By the Senate of the State of Texas, with the House concurring, that the Senate be allocated and is hereby assigned the space formerly occupied by the Court of Criminal Appeals (on the east side of the hall), the offices of the State's Attorney and the Court of Criminal Appeals offices (on the east side of the hall), all of which are located on the third floor of the Capitol Building on the east side of the north and south wings, but not including the space formerly occupied by the Clerk of the Supreme Court, nor the consultation room formerly occupied by the Supreme Court; and be it further

Resolved, That all space on the third floor, formerly occupied by the Supreme Court, in the north and south wings' west side and including the center rooms, north and south wings, be allocated to the immediate and permanent use of the House of Representatives; and be it further

Resolved, That the office of the Commissioner of Agriculture and the office of the Board of Pardons and Paroles be removed from the Capitol Building into the State Office Build-

ing Number Two at the earliest possible date and that the space now occupied by these offices be allocated to the House of Representatives, providing, however, for the possible exchange by the Senate to the House of Representatives other comparable space for that now occupied by the Board of Pardons and Paroles; and be it further

Resolved, That that space formerly occupied by the Bureau of Labor Statistics on the fourth floor west wing and facing the main stairway be and is hereby allocated to the use of the Governor's office; and be it further

Resolved, That the space on the first floor west wing south side formerly occupied by the Attorney General and now occupied by the State Treasurer be allocated to the use of the State Treasurer; and be it further

Resolved, That it is the intent of both the Senate and the House of Representatives to cooperate in an endeavor to provide by any reasonable and practical means any additional space possible in the Capitol Building to the end of creating private or semi-private offices for members of the House of Representatives, and to relieve crowded conditions of certain existing Senate offices; and be it further

Resolved, That the Secretary of the Senate shall cause a copy of this resolution to be directed to the Executive Director of the Board of Control, and the said Executive Director is hereby directed to have the offices which might be now occupied on a temporary basis vacated and that the said Board of Control cooperate in the furnishing or possible reconstruction of these offices into suitable space to be occupied by the State Senate and the House of Representatives.

The report was read and was adopted.

Senate Resolution 53

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class of Hutto High School in Williamson County, accompanied by their teacher, Joddie Witte; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry

on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teachers to the Members of the Senate.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
February 2, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 162, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Bill 162 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 162 was ordered not printed.

Co-Author of Senate Bill 11

Senator Gonzalez asked unanimous consent to be shown as co-author of S. B. No. 11.

There was no objection offered.

Co-Author of Senate Bill 103

Senator Willis asked unanimous consent to be shown as co-author of S. B. No. 103.

There was no objection offered.

Co-Author of Senate Bill 156

On motion of Senator Schwartz and by unanimous consent Senator Pat-

man will be shown as co-author of S. B. No. 156.

At Ease

On motion of Senator Hardeman and by unanimous consent the Senate agreed at 11:10 o'clock a.m. to stand At Ease for five minutes.

In Legislative Session

The President Pro Tempore called the Senate to order as In Legislative Session at 11:15 o'clock a.m. today.

Presentation of Guest

Senator Schwartz by unanimous consent presented the former Senator from the Seventeenth Senatorial District, the Honorable Jimmy Phillips, to the Members of the Senate.

Adjournment

On motion of Senator Hardeman the Senate at 11:17 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday morning, February 6, 1961.

In Memory of
Mrs. R. C. (Annie) Hugman

Senator Gonzalez offered the following resolution:

(Senate Resolution 51)

Whereas, Our Heavenly Father, in His infinite wisdom, did call from her earthly labors on January 31, 1961, Mrs. R. C. (Annie) Hugman of Bexar County; and

Whereas, Mrs. Hugman was a beloved citizen of the City of San Antonio; and

Whereas, Mrs. Hugman was former executive secretary of the San Antonio Social Welfare Bureau, having held this position from 1914 until her retirement; and

Whereas, Mrs. Hugman was keenly interested in the affairs of her community. She was a gracious and charming lady who will be long remembered by the people who were privileged to know her; and

Whereas, She is survived by her son, Robert; two daughters, Miss Margaurite and Mrs. Irene Locke, and a sister, Mrs. Susan Flaherty; and

Whereas, It is the desire of the Senate of the 57th Legislature of the State of Texas to pay tribute to the memory of Mrs. R. C. Hugman; now, therefore, be it

Resolved, That when the Senate adjourns today, it do so in her memory and that a page in the permanent Journal of the Senate be set aside as a memorial to her; and be it further

Resolved, That an enrolled copy of this resolution be sent to every member of her family as a token of sympathy and respect.

The resolution was read and was adopted by a rising vote of the Senate.